United Nations CEDAW/C/2001/II/3/Add.4

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
23 April 2001

Original: English

Committee on the Elimination of Discrimination against Women
Twenty-fifth session
2-20 July 2001
Item 5 of the provisional agenda*
Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women

Report provided by specialized agencies of the United Nations on the implementation of the Convention in areas falling within the scope of their activities

Note by the Secretary-General

Addendum

International Labour Organization

1. On behalf of the Committee, on 16 October 2000, the Secretariat invited the International Labour Organization (ILO) to submit to the Committee a report on information provided by States to ILO on the implementation of article 21 and related articles of the Convention on the Elimination of All Forms of Discrimination against Women, which would supplement the information contained in the reports of the States parties to the Convention to be considered at the twenty-fifth session.

2. Other information sought by the Committee refers to activities, programmes and policy decisions undertaken by ILO to promote the implementation of article 11 and related articles of the Convention.

3. The report annexed hereto has been submitted in compliance with the Committee's request.

* CEDAW/C/2001/II/1.

01-34350 (E) 040601

Annex

Report of the International Labour Organization under article 21 of the Convention on the Elimination of All Forms of Discrimination against Women submitted to the Committee on the Elimination of Discrimination against Women at its twenty-fifth session (July 2001)

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Part I: Introduction

The provisions of article 21 of the Convention on the Elimination of All Forms of Discrimination Against Women are dealt within a number of ILO Conventions. Of the 182 Conventions adopted so far, the information in this report relates principally to the following:

- Equal Remuneration Convention, 1951 (No. 100), which has been ratified by 146 member states;

- Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which has been ratified by 142 member States;

- Workers with Family Responsibilities Convention, 1981 (No. 156), which has been ratified by 29 member States.

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Where applicable, reference is made to a number of other Conventions which are relevant to the employment of women:

Forced Labour

Forced Labour Convention, 1930 (No. 29)

- Abolition of Forced Labour Convention, 1957 (No. 105)

Child Labour

- Minimum Age Convention, 1973 (No. 138)
- Worst Forms of Child Labour Convention, 1999 (No. 182)

Freedom of Association

- Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
- Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

Employment Policy

- Employment Policy Convention, 1964 (No. 122)
  Human Resources Development Convention, 1975 (No. 142)

Maternity Protection

- Maternity Protection Convention, 1919 (No. 3)
Maternity Protection Convention (Revised), 1952 (No. 103)

Night Work

- Night Work (Women) Convention (Revised), 1948 (No. 89) [and Protocol]
- Night Work Convention, 1990 (No. 170)

Underground Work

- Underground Work Convention, 1935 (no. 45)

Part-time Work

- Part-Time Work Convention, 1994 (No. 175)

Home Work

- Home Work Convention, 1996 (No. 177)

The application of ratified Conventions is supervised in the ILO by the Committee of Experts on the Application of Conventions and Recommendations (CEACR), a body of independent experts from around the world, which meets annually. The information submitted in Part II of the present report consists of observations and direct requests made by the Committee. Observations are comments published in the CEACR's annual report – produced in English, French and Spanish – which are submitted to the International Labour Conference. Direct requests (produced in English and French – and in the case of Spanish-speaking countries, also in Spanish) are not published in book form, but are made public. At a later date, they are published on the ILO's database of supervisory activities, ILOLEX (available on-line or on CD-ROM).

In addition, Part III of the report includes additional information on the countries concerned including statistical tables, information on technical co-operation activities, and annexes (extracts of relevant comments of the CEACR) to Part II of the report.

Part II: Indications Concerning the situation of individual countries

Guyana

Position with regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Guyana has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos. 29, 45, 87, 98, 105, 138, 142, and 175.

II. Comments by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In its observation of 1998, the Committee of Experts, noted with interest the adoption of the Prevention of Discrimination Act, No. 26 of 1997, which applies to both the public and the private sectors. The Committee observed that Section 2(o) of the Act defines "remuneration" in broad terms, as required in Article 1 of the Convention, and that Section 9 of the Act imposes the obligation to pay equal remuneration to men and women performing work of equal value on every employer, or person acting on behalf of such employer. Furthermore, Section 9, paragraph 3, places the burden of proof for establishing that equal remuneration has been paid on the employer.

Further, in a 1998 direct request the Committee noted that section 28 of the Prevention of Discrimination Act, No. 26 of 1997 stipulates that the Act shall not derogate from the provisions of the Equal Rights Act of 1990. The Committee recalled that section 2(3) of the Equal Rights Act provides for women and men to be paid "equal remuneration for the same work or work of the same nature". In the Committee's view, section 2(3) of the Equal Rights Act would appear to restrict the application of equal remuneration to the same work or work of the same nature — a concept which is narrower than that required in the Convention and enshrined in Act No. 26 of 1997. Since the latter fully incorporates the provisions of the Convention, the Committee requested the Government to resolve any conflict between the two Acts in a manner that would ensure that Act No. 26 would take precedence over the Equal Rights Act. Similarly, the Government was requested to indicate measures taken or envisaged promoting the application of the new Act, including activities undertaken by the Chief Labour Officer.

Convention No. 142. In its 1999 direct request, the Committee of Experts noted information supplied by the Government on the adoption of legislation for the formation of the National Council for Technical and Vocational Education and Training. The Committee requested further details on the steps taken for the implementation of the Convention through the enactment of the said legislation. The Committee noted the Government's statement that the Board of Industrial Training has recognized the gender disproportion in the annual output of graduate apprentices and that initiatives had been explored to improve the situation. The Committee trusted the Government to include in its next report, any information on progress made by the initiatives to encourage and

enable women to develop and use their capabilities for work in their own best interests and in accordance with their own aspirations, as required by Article 1, paragraph 5, of the Convention.

Please note that the Government's Report under Convention No. 111 considered by the Committee of Experts in December 2000 provides information on the adoption of the Prevention of Discrimination Act No. 26 of 1997. Section 4 (2) of the Act prohibits discrimination on the grounds of race, sex, religion, colour, ethnic origin, indigenous peoples, national extraction, social origin, economic status, political opinion, disability, family responsibilities, pregnancy, marital status and age in all matters related to employment. It should be noted that the focus of the Act is on employment and occupation.

Netherlands

Position with regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Netherlands has ratified Conventions Nos. 100, 111 and 156. It has also ratified Conventions Nos. 29, 87, 98, 105, 122, 138, and 142

II. **Comments by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In a direct request of 1998, the Committee of Experts noted the entry into force of the "Barber Directive" (96/97/EC of the Council of the European Union), which amends Directive 86/378/EEC of the Council of the European Communities on the implementation of the principle of equal treatment for men and women in occupational social security schemes. Following the enactment of the Barber Directive, the Committee noted with interest the amendment of the Equal Opportunities Act in March 1998 which prohibited discrimination between men and women in regard to the categories of persons eligible for pension provisions, the details of such provisions, and the implementation of pension schemes (section 12(b)). The Committee further noted the amendment of section 7:646 of the Civil Code which includes payments and entitlements under pension schemes as terms of employment. The Committee requested the Government to provide information on the practical application of these amendments, including any decisions handed down by the Equal Treatment Commission.

The Committee also made comments in regard to the entry into force on 1 November 1996 of the Equal Treatment (Working Hours) Act. The Committee requested the Government to provide information as to any violations and on the practical application of the Act. Since the Labour Inspectorate is preparing a study on the terms of employment of part-time workers in collective agreements, a repeat of a study undertaken in 1991 which showed that the legal status of part-time workers was not always equal to that of full-time workers, the Committee requested the Government to provide it with the findings and recommendations contained in the study.

The Committee referred to the entry into force on 1 September 1994 of the Equal Treatment Act, and noted the large rise in the number of petitions submitted to the Equal Treatment

Commission (from 29 in 1994 to 509 in 1997) from which a significant percentage claimed sex discrimination. It noted from the Government's report the slight decline in 1997 (from 40.7 per cent in 1996 to 35.2 per cent in 1997) which, according to the Equal Treatment Commission's 1997 annual report, could probably be attributed to the enactment of legislation which enables claims to be based directly on new grounds (working hours, marital status) rather than on grounds of indirect discrimination under the Equal Treatment Act of 1994. The Committee requested the Government to keep it informed on the number and types of petitions submitted and of their outcome.

Specifically, the Committee noted with interest the information on Equal Treatment Commission Case 97-54, in which it found that a salary-scale system applied by the Minister of Education, which was based only on paid working experience and the last salary earned, while ignoring criteria such as education and unpaid experience relevant to the job, amounted to a form of indirect discrimination against women. This decision has been taken into consideration in the regular talks between the Minister of Education and the unions representing teachers on the criteria to be used in determining the salaries of women returning to work. In this regard, the Committee requested the Government to provide information on any agreements reached between the Minister and the unions on criteria to be applied in establishing salary scales and on any measures taken or envisaged implementing the agreement.

The Committee noted that a further study on the effectiveness of the Equal Opportunities Act is to be conducted in 1998 to investigate the possibilities of streamlining regulations regarding equal treatment presently contained in a number of different Acts. The Committee requested the Government to inform it of the findings and recommendations of the study.

The Committee referred to sections 7 and 11 of the Equal Opportunities Act which are to be amended so as to broaden the criteria on which the comparison is to be based for determining "work of equal value", i.e. "someone working in the same undertaking," whereby "undertaking" is defined and interpreted narrowly. It also noted that the limitation period for equal pay claims, which now stands at two years, will be brought in line with the generally applicable limitation period for pay claims laid down in the Civil Code. The Committee noted that an amendment to widen the basis of comparison beyond the enterprise would promote the application of the Convention and requested the Government to provide it with copies of the amendments, once adopted. Furthermore, the Committee noted that additional legislative amendments will be examined upon completion of the evaluation of the Equal Treatment Act planned for 1999, and requested the Government to provide it with the findings and recommendations of the evaluation, including information on measures taken or envisaged implementing the recommendations.

The Committee noted with interest the initiative by the Inspectorate of the Ministry of Social Affairs to examine regularly the extent to which the wage gap between men and women can be explained by differences in personal circumstances and jobs. The Committee referred to the findings of the 1996 study which showed that the average gross hourly, pay rates for women aged 23 and over was *24 per cent* lower than for men. The results of a regression analysis taking into account individual and job-related factors, exhibited a difference of 7 per cent in pay that could not be accounted for and could therefore, at least partly, be ascribed to sex discrimination. The Committee

had previously noted that the unadjusted difference in pay between men and women aged 23 and over was *26 per cent* in 1993, while the adjusted difference fell from *9 per cent* in 1993 to *7 per cent* in 1996. Furthermore, noting the Government's statement that the adjusted 7 per cent difference in pay between men and women may partly be due to the gender neutrality of job evaluation systems, the Committee requested the Government to provide it with information on the findings and recommendations arising from the study on job evaluation schemes undertaken in 1998, as well as to continue including in future reports, the results of such reviews.

Convention 111: In an observation of 1999, the Committee of Experts noted the amendment of the Equal Treatment Act on Men and Women, in particular its section 12(b) which prohibits discrimination between women and men as regards to the categories of persons eligible for pension benefits and the implementation of pension schemes. Similarly, the Committee noted amendment of section 646 of Chapter 7 of the Civil Code which prohibits employers from discriminating between women and men as regards to entering into employment contracts, training, terms and conditions of employment, promotion, and termination of employment contracts. The Committee noted that according to section 12 (b) (2) of the above Act, those provisions that stipulate the interruption of pension entitlements during the period of maternity leave are, pursuant the section 7/646 of the Civil Code, in contravention of the prohibition of unequal treatment of women and men.

The Committee of Experts also made a direct request in 1999 which referred to information provided by the Government's report and the comments submitted by the Netherlands Trade Union Federation (FNV). In referring to the implementation of the Equal Treatment (Working Hours) Act of 1996, the Committee analyzed the findings of the study undertaken by the Labour Inspectorate of the Ministry of Social Affairs and Employment concerning distinctions made in collective agreements between full-time and part-time workers. The study found that a number of collective agreements excluded part-time workers who work less than a certain number of hours (12 to 23 hours) a week or excluded this category of workers from receiving certain employment-related benefits. According to the Government, excluding part-time workers wholly or partly from collective agreements does not contravene the Equal Treatment (Working Hours) Act, given that parties to such agreements have the possibility to set alternative conditions of employment for part-time workers, provided that reasons for doing so are in the interest of equal treatment. However, noting that the United Nations Committee on Economic, Social and Cultural Rights in its concluding observations of 16 June 1998 (E/C.12/1/Add.25) expressed concern on the disproportionate representation of women in part-time work, the Committee requested the Government to provide an indication of the number of men and women working part time who are excluded by collective agreements and to supply information on any alternative conditions of employment set for these workers. The Committee also requested to be informed of any views expressed and action taken by the Joint Industrial Labour Council, and encouraged the Government to provide information on the decisions handed down by the Commission on Equal Treatment on the implementation of the above Act.

The Committee referred to several measures taken by the Government to effectively tackle public information activities on the issues of equal treatment including publication of a booklet on equal treatment standards of conduct in the selection and recruitment of staff, an ongoing evaluation

covering the Equal Treatment Act, the Equal Treatment (Working Hours) Act and the Equal Treatment of Men and Women Act.

In reference to the information on the results of the Women and Technology Action Plan (1995-98), and the wider ranging campaign called "Axis 1998" as a follow-up, the Committee requested information on its achievements. The Committee also asked about the impact of the campaign "Opportunity in Business" on promoting equal opportunity and treatment for women and men in jobs in trade and industry, and requested to be provided copies of diversity plans and objectives formulated by employers.

On issues of enforcement, the Committee noted from the Equal Treatment Commission's annual reports for 1997 and 1998 a steady increase of the number of complaints filed up to 1998 after which it slightly decreased, and that the majority of the complaints continue to relate to discrimination based on sex (35.2 per cent) and nationality and race (32.5 per cent). The Committee noted an increase in the conclusions handed down in relation to discrimination based on sex (*42.1 per cent in 1997* and *45.5 per cent* in 1998), while conclusions handed down in relation to race decreased from 21.6 per cent in 1997 and 17.5 per cent in 1998. The Committee observed that the extent to which the Commission's decisions are complied with, is dependent on information submitted by the parties concerned and this information is generally submitted. The Committee expressed concern, however, because certain complaints filed in 1997 which were declared receivable did not end in a decision by the Commission due to the withdrawal by complainants of their case for fear of negative consequences. The Committee requested the Government to indicate the action taken or envisaged to ensure that adequate protection exists for those complainants who fear reprisals. Noting further from the 1997 annual report that the Commission regrets that the Government does not always put into practice its own diversity policy and that there is also a lack of adequate follow-up to the decisions of the Commission by the different government institutions and bodies, the Committee requested the Government to provide information on the actions taken by the different government institutions to give adequate follow-up to the Commission's recommendations.

Convention No. 103 The Committee of Experts had previously drawn the Government's attention to the fact that, contrary to the provisions of the Convention, women workers whose earnings exceed a specified amount are excluded from the coverage of the Health Insurance Act (ZFW), although they do have the possibility of taking out private health insurance. Furthermore, the Committee noted that this also applies to public servants employed by central government. Thus, the Committee in referring to the information provided by the Government, noted that the process of transforming the health insurance schemes into a compulsory general health insurance scheme covering all residents and concerning the above-mentioned categories of workers, has been abandoned. The Committee recalled that, according to Article 4, paragraphs 3 and 4, of the Convention, medical benefits must be provided as a matter of right to all women covered by the Convention, and should include prenatal, confinement and postnatal care, as well as hospitalization care where necessary, and that these benefits must be provided either by means of compulsory social insurance or by means of public funds. Voluntary recourse to private insurance, even if certain guarantees are provided by the law to guarantee access to health insurance for people who request

it, is not in itself sufficient to ensure full application of Article 4, paragraph 4, of the Convention. The Committee therefore expressed its hope that the Government will be able to indicate in its next report the measures taken or envisaged to give effect to these provisions of the Convention on which it has been commenting for more than 20 years.

Similarly, in its previous comments, the Committee had drawn the Government's attention to dismissal for urgent reasons as allowed under section 1639(o)(2) of the Civil Code, read in conjunction with section 1639(p) of the Civil Code. The Committee had pointed out that Article 6 of the Convention makes no distinction between dismissal with notice and dismissal without notice and provides for a general prohibition for an employer to dismiss a woman for whatever reason while she is absent from work on maternity leave. The Government had previously indicated the absence of cases of dismissal for urgent reasons. The Committee asked the Government to confirm that is still the case and hoped that it will indicate in its next report any measures, including legislation, that have been taken or are planned to give full effect to this Article of the Convention.

Convention No. 122. The Committee of Experts in its observation of 1999 noted the detailed information contained in the Government's report, as well as statistics provided by the ILO Country Employment Policy review for the Netherlands, 1999. The Committee noted the continued increase in part-time employment, and that around 65 per cent of part-time workers is female. Taking into consideration the *OECD Employment Outlook 1999*, the Committee remarked that the trend towards an increase in part-time work appeared to have leveled off with just over half (54 per cent) of all working women in part-time unemployment. The Committee therefore asked the Government to keep it informed of research undertaken to ascertain whether structural impediments are responsible for full-time work in the country.

Nicaragua

Position with regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Nicaragua has ratified Conventions Nos. 100 and 111. It has also ratified Conventions Nos.: 29, 45, 87, 98, 105, 122, 138, and 142.

II. **Comments by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In a direct request of 1998, the Committee of Experts recalled its previous comment that the concept of equal remuneration set out in the national legislation is more limited than the principle of equal remuneration for work of equal value laid down in Article 2 of the Convention and requested information on the application of this principle in practice. The Committee noted the Government's statement that "the principle of equal remuneration between the sexes is complied in so far as the evaluation of work is based upon its complexity". The Government was requested to provide detailed information in its next report on the job appraisal systems applied in practice in the private sector and their impact on the determination of remuneration.

Convention No. 111: The Committee of Experts, in its direct request of 1999, noted the information contained in the Government's report, which refers to the equality provisions contained in the Constitution and in the national legislation. Noting that no reference was made to the public sector, the Government was requested to indicate the manner in which the policy of promoting equality of opportunity and treatment is implemented for workers whose employment is subject to the direct control of a national authority. The Committee asked the Government to state whether Act No. 70 of 1990, on the civil service and administrative careers, which in section 25 established the right to apply for a public service post regardless of age, sex, colour, political creed or religion, and which was suspended while awaiting the adoption of the regulations under Legislative Decree No. 8/90, (and modified by Act No. 101) continues to be suspended, has been regulated, or has been replaced. The Committee recalled its previous observation on the importance of pursuing a policy of equality of opportunity in public sector employment as a means of promotion and integration, and to open the way to all other measures.

Convention No. 122: A direct request of 1999 noted the Government's detailed report for the period ending in June 1998. The Government stated its attempt to create conditions conducive to savings and investment, in line with economic growth and the consequent creation of jobs. The Committee also referred to the statistical annexes sent by the Government on the urban labour market and its gender implications and on the profiles of the economically active urban population. The government was requested to indicate actions taken as a result of the above-mentioned studies, and the extent to which the ILO Office's assistance has contributed to the declaration and pursuit of an active employment policy within the meaning of the Convention.

The Committee particularly noted specific programmes to be carried out: promotion of foreign investment, preferential designation of recipients of agricultural loans, generation of emergency jobs and vocational training. The Committee expressed its appreciation if the Government would include in its next report an evaluation of the results obtained by these programmes. In the case of employment generation in export processing zones, the Committee noted that the Ministerial Resolution of 23 January of 1998 on work in export processing zones in the Republic of Nicaragua seeks to promote certain rights of the male and female workers involved. Therefore, the Committee trusted the Government to continue to avoid the adverse effects and stimulate the positive effects on employment of the investments of such enterprises.

Sweden

I. Among the relevant ILO Conventions, Sweden has ratified Conventions Nos. 100, 111 and 156. It has also ratified Convention No. 29, 87, 98, 105, 122, 138, 142, and 170.

II. Comments by the ILO supervisory bodies. The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 100: In its 1999 direct request the Committee of Experts noted data provided by Statistics Sweden (SCB) showing that overall the wage gap between men and women increases with age and level of education and that wage differences are particularly significant for private sector white collar employees. The Committee noted that except for preschool teachers and recreational teachers, women's average salary continues to be lower than men's in all occupational groups and particularly for finance and sales associate professionals in the public sector and for engineers and technicians employed in both the public and private sectors. Furthermore, wage differences are greater in male-dominated occupations (women's salary as a percentage of men's ranging from *79 to 92 per cent*), than in female-dominated occupations. While women exhibited a proportional higher level of education, they continued to hold a lower share (women and men hold *26 and 74 per cent* respectively of managerial posts in 1995) of managerial positions in the different sectors of the national economy. Moreover, in 1995, average monthly salaries of women managers were lower (and in many cases much lower) than male managers in various age and educational groups. The Committee called the Government's attention to these wage differences and asked it to make a concerted effort to reduce these differentials through a wide range of measures, particularly for those occupational groups where pay differences are highest as well as for managerial and senior posts. The Committee recommended the application of measures to promote equal opportunity and treatment of men and women in the labour market so as to reduce the wage gap.

The Committee followed up its previous comments with regard to the implementation of sections 9(a) and 11 of the Equal Opportunities Act, 1991 which require employers to review annually the existence of pay differentials between men and women and to include the results of this pay survey in the equality plan. The Committee observed that Equal Opportunities Ombudsman (JämO) has required the Church of Sweden, the Swedish Armed Forces, the biggest advertising companies, the banks and insurance companies and employment agencies, to present their equal opportunity plans. The Government was asked to indicate the impact of the inclusion of equal pay survey results in equality plans on the reduction of wage differentials. The Committee also noted that proceedings have been filed against one employer before the Equal Opportunity Commission (EOC), concerning whether or not trade unions may have access to information on an employee's pay in the context of the annual reviews on pay differentials by private sector employers. The Committee expressed its interest to receiving information on the decision of the EOC in the abovementioned equal pay case to be tried in autumn 1998.

The Committee noted that the work undertaken by the Working Life Institute under the special research and development programme "Wage Formation and Job Evaluation" on the basic pay evaluation system, known as the HAC system, was completed in 1997. According to the Government, the system takes the form of a basic job evaluation model for use at many workplaces, provides a structure and defines factors and aspects in general terms. Recalling concerns raised previously by the Swedish Employers' Confederation (SAF) on the suitability of job evaluation to meet the future needs of a good pay structure, the Committee requested

information on whether methodologies other than a job evaluation have been developed to promote and ensure the application of equal pay for work of equal value.

The Committee noted the Government's statement that the analytical base concerning women's and men's pay has been reinforced as a result of the Government placing MSEK 2 (method of objective evaluation of jobs) at the disposal of the Working Life Institute, and recalled the concerns raised by the Swedish Trade Union Federation (LO) on the problem of lacking access to information necessary for equal pay claims and the difficulties posed by indirect discrimination. The Committee therefore requested the Government to provide information on the measures taken or contemplated overcoming these problems.

The Committee noted the information furnished by the Government on cases taken before the Labour Court, and referred in particular, to a case on pay discrimination (A 190/97) brought by the Swedish Labour Court to the European Court of Justice to obtain a preliminary ruling on a particular question. The Committee requested the Government to provide information on the preliminary ruling of the European Court of Justice and the decision of the Labour Court, as well as to furnish copies of the decisions. The Labour Court had requested the European Court of Justice for a ruling on the criteria to be used by national courts when deciding whether jobs are of equal value.

Viet Nam

Position with regard to ILO Conventions relating to women

I. Among the relevant ILO Conventions, Vietnam ratified Conventions Nos. 100 and 111 on 7.10.97. The Government's first reports have been received in 2000 and will be reviewed in 2001 by the Committee of Experts following the preparation of a comparative analysis by the Office. It has also ratified Convention No. 45.

II. **Comments by the ILO supervisory bodies.** The pending comments of the ILO Committee of Experts on matters relevant to the provision of CEDAW relate to:

Convention No. 45: In its direct request of 1998 in response to its previous request, the Government stated that, under section 113(2) of the Labour Code of 1994, no woman, whatever her age, may be employed in mines even in casual work. The Committees noted that Decree No. 23/CP of 18 April 1996, and Circular No. 03/LDTBXH-TT of 13 January 1997, attached to the report, provided for measures to be taken by enterprises in order to transfer female workers engaged in prohibited works, including underground work, to suitable employment, and that such measures contain, among other things, the collection of statistics, and setting up of a project to transfer such workers to other suitable work. Noting also the Government's indication that the application of these provisions of national legislation is step by step, the Committee asked the Government to provide information on the application in practice of the Convention, including the number of female workers actually working underground in mines, and the number of those who have so far been transferred to other work in accordance with the above provisions.

Part III: Information on technical cooperation activities

Nicaragua

The Gender Promotion Programme (GENPROM) in collaboration with the International Program on the Elimination of Child Labour (IPEC), and the ILO MIGRANT unit is implementing the project "*Protecting Migrant Women Workers and Improving Family Welfare in Nicaragua*". This project seeks to enhance employment and protection for women in out-migration communities under conditions which also lead to improved child-welfare. The project has been designed after findings from research undertaken in the context of research on migration flows in Nicaragua showing that women, children and particularly elder women are found to be mostly affected. Women are highly vulnerable to trafficking and labour exploitation; children experience the break up of the families, abuse and exploitation, withdrawal from school, and in most cases, the need to engage in the worst forms of child labour. Elder women, on the other hand, are most likely to be left behind with the responsibility of caring of the young children, and of domestic chores. The project's main interventions consist of awareness raising on the cost and benefits of migration for women and their families, skills training for those who still want to migrate, promoting decent employment for the women in the sending community as an alternative for migration, and ensuring that women's employment leads to the reduction of child labour.

The Regional Office for Latin America and the Caribbean in Costa Rica is implementing a project with funding from the Netherlands with the purpose of improving the working conditions of women workers in the Maquila Industry. The Project "*Improvement of the Labour and of the Living Conditions of Women Workers in the Maquila Industry*" (RLA/97/07/MNET) started in early 2000 by the Instituto Nicaragüense de Investigaciones Economicas y Sociales.

The project is divided in six lines of action:

1. Human Development and Gender Training of Women Workers in the Maquilas
2. Integration of the gender needs and gender interests of women in union organizing;
3. Improvement of Labour Conditions in the Enterprises;
4. Promotion of public-policies directed to the amelioration of the working conditions of women workers in the Maquila, in particular, and of all women workers in general;
5. Development of Research methodologies;
6. Sustainability.

In its first phase the project has already produced a situational analysis of the labour conditions of women workers in the Maquila Industry, as well as information on the legal and administrative issues of utmost importance in the country.

Viet Nam

In the Greater Mekong Region SubRegion (Cambodia, China (Yunnan Province), Laos PDR, Thailand and Vietnam), GENPROM is also working with the IPEC to organize both prevention and rehabilitation efforts to combat trafficking with women and girls. Following a sub-regional consultation in October 1998, Vietnam expressed its concern for trafficking in women and children, specially from rural to urban areas and abroad. The project lies in the premise that empowering female member of families through productive livelihoods and a wider range of economic opportunities is the best prevention of trafficking. In essence, the overall strategy of the Mekong project is to build up a process-based approach through capacity building activities, awareness raising and advocacy and direct action, including comprehensive community development projects with participation of women. The project aims to set up sub-regional and bilateral mechanisms for prevention and reintegration; strengthen national and local capacity to take coordinated action to combat trafficking; develop appropriate and integrated training strategies to promote attitude and behavioral change at local, provincial, national and sub-regional levels as well as to support pilot projects of community-owned, context-driven prevention, withdrawal and reintegration. Measures include: identification of new economic opportunities; skills and business training; improved access to credit, markets, family support structures and social security; group socialization activities; awareness raising and sensitization on critical issues of importance to women and girls, and, legal literacy training.

The ILO is also implementing a project through the GENPROM for Young Women. Objectives of the project are to facilitate school-to-work- transition and improve opportunities for decent employment through activities that include sensitization to policy makers on the gender dimensions of youth employment issues; assisting young women to realistically assess and seize employment opportunities; equipping young women with knowledge of their rights at work, occupational safety and health issues; training young women in life skills, including reproductive health and sexual harassment. The project is using information/communication technology to enable the institutions involved to reach larger number of women, and to document lessons learnt in the *High-Level Policy Network on Youth Employment.*

The ILO Office of the Special Adviser, Women Workers Questions, and FEMMES implemented a global project that included the country of Vietnam (1996-1997, 22 months). The *"Training and Information Dissemination on Women Workers' Rights"* (INT/94/M09/NET) sought the improvement of equal opportunities and treatment of women workers through the development of human rights education and training materials to a wide spectrum of ILO constituencies and members of Non-Governmental Organizations. This initiative funded by the Ministry of Development of The Netherlands was based on a women's rights approach in the context of the CEDAW and the Vienna World Conference on Human Rights.

Indicators of the achievement of the project were set out as follows:

a. Government departments, employers', workers' and women's organizations continue to incorporate training and information on women workers' rights in their ongoing training and information programmes for workers,
b. Government departments, employers', workers' and women's organizations continue to advocate women's workers' rights and use the version of the training and information package on women's workers' rights;
c. Women's workers' rights are explicitly included in national planning statements and documents.
d. Women workers continue to use the training and/or information materials to inform other groups of women workers on their rights through the organization of meetings in communities or at the workplace;
e. Women workers undertake specific action to improve their position as workers;
f. Women workers' rights are explicitly mentioned in collective bargaining agreements.

Training materials in Vietnamese were produced, and women workers' rights were introduced into the National Follow-Up Action Plan for the Advancement of Vietnamese Women by the Year 2000 based on the Beijing Platform for Action. Data on female labour was collected and case studies were conducted on women in managerial and administrative positions. Surveys were also carried out on employment, training, wage, income and working conditions of female workers in non'-state enterprises and in the informal sector.

Currently, a follow-up to the project utilizing trainers trained, and information materials produced under the above mentioned project is being implemented. The VIE/99/MO1/NET, *"Action research and Training on Gender Equality at Work in Viet Nam"* is carried out by the Research Centre for Women Workers (RCWW). The project will produce updated statistics on women's representation in the Ministries and Departments of Labour, Invalids and Social Affairs in the 61 provinces, and data on attitudes and training needs on gender equality at work. It will also provide the results of a gender analysis of employment and working conditions and needs in enterprises with women workers.